

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-7-09 DA

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

Administrative Action

NGAN HIRAI, D.D.S.
License No. 22DI01589500

FINAL ORDER
OF DISCIPLINE

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

This matter was opened to the Board of Dentistry ("Board") upon receipt of information that Ngan Hirai, D.D.S. ("Dr. Hirai" or "respondent") had entered into a settlement with the Office of the Insurance Fraud Prosecutor and had failed to answer a question on her biennial renewal application in an accurate manner. Based on that information, the Board issued a Provisional Order of Discipline on October 15, 2008. In response, Dr. Hirai, through counsel, agreed to the entry of a final order of discipline imposing the sanction set forth in the Provisional Order but asked that she be permitted additional time to take the ethics course as she would be out of the country doing volunteer work until March 2009.

The Board has reviewed the response to its Provisional Order and has determined that entry of a final order with the extension requested by respondent is appropriate. The Board, therefore, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Ngan Hirai, D.D.S., is a dentist in the State of New Jersey and has been a

licensee at all times relevant to this order. Respondent's license is currently in active status.

2. On March 19, 2002, respondent was indicted in the Superior Court of New Jersey and charged with one count of second degree theft by deception. On February 10, 2003, respondent was admitted into the Pre-Trial Intervention program, which was completed in June 24, 2003.

3. On November 16, 2003, respondent appeared with counsel, Paul B. Brickfield, Esq., at an investigative inquiry held by the Board. During the investigative inquiry respondent acknowledged that on three separate license renewal applications she submitted to the Board, she checked "no" to the question: "Do you have a medical condition which would in any way impair or limit your ability to practice dentistry with reasonable skill and safety?", despite submission to a disability insurance company that she was unable to work.

4. The Office of the Insurance Fraud Prosecution filed a civil complaint alleging that respondent submitted false claims to her insurance company.

5. On May 11, 2006, respondent agreed to a "Stipulation of Settlement and Order for Entry of Judgement by Consent," in which she was found to have violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. She was ordered to pay a civil penalty to the New Jersey Department of Banking and Insurance in the amount of \$50,000.00; and ordered to pay the State's attorney fees in the amount of \$21,000.00.

CONCLUSIONS OF LAW

The above findings of facts provide grounds for disciplinary action in this State pursuant to N.J.S.A. 45:1-21(b) for engaging in misrepresentation on her biennial renewal

applications, and N.J.S.A. 45:1-21(k), for having been found to have violated the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq.

THEREFORE, IT IS ON THIS 7 DAY OF JANUARY, 2009,

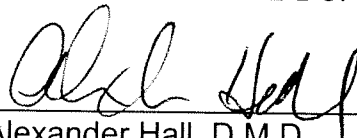
ORDERED that:

1. The license of Ngan Hirai, D.D.S., to practice dentistry in the State of New Jersey is suspended for a period of two (2) years, which suspension shall be stayed in its entirety and served as a period of probation.

2. Respondent is reprimanded for violating an insurance fraud prevention law and for making a misrepresentation on her biennial renewal forms. .

3. Respondent shall fully attend, successfully complete, and pass an ethics course within nine (9) months of entry of a final order in this matter. Respondent shall complete either the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903. Documentation of full attendance and successful completion of the course shall be provided to the Board, attention: Jonathan Eisenmenger, Executive Director, State Board of Dentistry, 124 Halsey Street, Sixth Floor, P.O. Box 45005, Newark, New Jersey 07101.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Alexander Hall, D.M.D.
Board President